

104TH CONGRESS
1ST SESSION

H. R. 1624

To modify the jurisdiction of the Federal courts with respect to abortion.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 1995

Mr. DORNAN introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To modify the jurisdiction of the Federal courts with respect
to abortion.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 The Congress makes the following findings:

5 (1) The judiciary has the sole right to place an
6 authoritative interpretation on the Constitution, an
7 interpretation that is binding on the executive and
8 legislative branches of government, as well as the
9 American people.

10 (2) The question of when life begins is beyond
11 not only the competency of the judiciary to answer

1 but also the authority of the court as defined in Ar-
2 ticle III of the United States Constitution.

3 (3) Roe v. Wade took from the States the au-
4 thority to prohibit abortion.

5 (4) Article III, section 2 of the Constitution
6 stipulates that “the Supreme Court shall have appel-
7 late jurisdiction, both as to law and fact, with such
8 exceptions, and under such regulations as the Con-
9 gress shall make”.

10 (5) This exceptions clause gives the Congress
11 power to withdraw specific categories of cases from
12 the Supreme Court’s review.

13 (6) The Supreme Court’s position in Ex Parte
14 McCardle recognized that the exceptions clause gives
15 the Congress some meaningful power to control the
16 Supreme Court’s jurisdiction. In McCardle, the
17 Court upheld the constitutionality of a congressional
18 statute which withdrew the Supreme Court’s juris-
19 diction to hear cases arising under an 1867 habeas
20 corpus statute.

21 (7) Withdrawing the Supreme Court’s appellate
22 jurisdiction over abortion, and the jurisdiction over
23 abortion of the inferior Federal courts created by
24 the Congress, would take the abortion matter back
25 to the States and allow the people, through a repub-

1 lican and representative form of government, to de-
2 cide this issue.

3 **SEC. 2. RESTRICTION ON JURISDICTION OF FEDERAL**
4 **COURTS.**

5 (a) RESTRICTION ON JURISDICTION.—Notwithstand-
6 ing any other provision of law, the Supreme Court of the
7 United States, and the inferior courts established by the
8 Congress under Article III of the Constitution of the
9 United States, shall not have jurisdiction to hear, or to
10 review by appeal or otherwise, any case arising out of any
11 statute, ordinance, rule, or regulation of a State which re-
12 lates to abortion, or arising out of any act interpreting,
13 applying, or enforcing such a State statute, ordinance,
14 rule, or regulation.

15 (b) DEFINITION.—As used in this section, the term
16 “State” means each of the several States and the District
17 of Columbia.

18 **SEC. 3. APPLICABILITY.**

19 Section 2 applies to any case pending on or com-
20 menced on or after the date of the enactment of this Act.

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